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Attorneys for Defendant,  
Midtown Air Conditioning  
and Ventilation, Ltd.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ANGEL VARGAS, FELIX BONILLA,  
RYAN MCKENZIE, BERNARDO  
RAMIREZ and SIMON NORALES

Plaintiff,

v.

MIDTOWN AIR CONDITION AND  
VENTILATION, LTD.

Defendant.  
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Case No.: 1:07-cv-03343-RMB  
Honorable Richard M. Berman, U.S.D.J.

*Civil Action*

**AFFIDAVIT OF ERIC STUART  
IN SUPPORT OF DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT**

**Document Electronically Filed**

I, ERIC STUART, hereby state and declare:

1. I am an attorney with the law firm of Ogletree, Deakins, Nash, Smoak, & Stewart, P.C., counsel of record for Midtown Air Conditioning and Ventilation, LTD. I have personal knowledge of the facts contained in this Affidavit.

2. Attached as Exhibit A is a true and correct copy of relevant pages from the Deposition of Plaintiff Angel Vargas.

3. Attached as Exhibit B is a true and correct copy of relevant pages from the Deposition of Plaintiff Simon Norales.

4. Attached as Exhibit C is a true and correct copy of relevant pages from the Deposition of Ryan McKenzie.

5. Attached as Exhibit D is a true and correct copy of relevant pages from the Deposition of Bernardo Ramirez.

6. Attached as Exhibit E is a true and correct copy of relevant pages from the Deposition of Simon Norales.

7. During the course of the discovery, this office issued a subpoena to the New York City Comptroller's Office. Attached as Exhibit F are true and correct copies of the documents we received in response.

8. Attached as Exhibit G is a true and correct copy of the Complaint.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Executed on this Twenty-Eighth Day of March, 2008, in Morristown, New Jersey.

/s/ Eric Stuart